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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,202	01/15/2002	Yoichiro Ban	58824-US-AK/ci	3586
27572	7590	11/03/2004	EXAMINER	
HARNES, DICKEY & PIERCE, P.L.C.			PAN, YUWEN	
P.O. BOX 828			ART UNIT	
BLOOMFIELD HILLS, MI 48303			PAPER NUMBER	
			2682	

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/053,202

Applicant(s)

BAN ET AL.

Examiner

Yuwen Pan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

1. Applicant's arguments filed 8/13/04 have been fully considered but they are not persuasive.

The applicant argues that Maruyama reference doesn't teach a mobile terminal instead of a facsimile machine. The examiner respectfully disagrees because the facsimile apparatus is a radio communication equipment and considered as a mobile terminal (see paragraph 2).

Furthermore, facsimile machine is just one example to demonstrate the best art of Maruyama, the invention of Maruyama is not limited only to the facsimile machine, and it could be other radio communication device, too.

The applicant further argues that Maruyama doesn't teach the control means that prohibit the standby during an image capture operation when a first predetermined condition is satisfied. The examiner respectfully disagrees because Maruyama clearly teaches that when copy operation (e.g. an image capture operation) is performed, a master clock is supplied and the image-processing is started. Then after the copy operation is completed, the master clock is suspended and it returns to the standby condition (e.g. an operation for monitoring an incoming call).

Therefore, the previous rejections sustain. And see below for detail of rejections.

DETAILED ACTION

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Maruyama (JP11127300).

Per claims 1 and 7, Maruyama discloses a mobile terminal having telephonic function and comprising a control means, wherein the control means carries out both a standby operation for monitoring and incoming call and an image processing operation for processing an image captured by an image capture means, wherein the control means prohibits the standby operation during an image capture operation of the image capture for capturing the image when a first predetermined condition is satisfied (see paragraphs 29-39).

Per claim 2, Maruyama further teaches that a radio environment measuring means for measuring a state of a radio environment that is involved in the standby operation, wherein the first predetermined condition is satisfied when the radio environment measuring means detects that the radio environment involved in the standby operation is in a noise environment (see paragraphs 29-31).

Per claim 3, Maruyama further teaches that a notification means for conducting a first notification operation, wherein the control means commands the notification means to carry out the first notification operation when the standby operation is prohibited (see paragraph 32).

Per claim 4-6, Maruyama further teaches that the control means enables the standby operation when a second predetermined condition is satisfied when the radio environment measuring means detects a change in the state of the radio environment involved in the standby operation from the relatively bad state to a relatively good state and the control means commands

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the notification means to carry out a second notification operation when the standby operation is enabled (see paragraphs 37-42).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maruyama (JP11127300).

Per claim 8 and 9, Maruyama discloses that Maruyama discloses a mobile terminal having telephonic function and comprising a control means, wherein the control means carries out both a standby operation for monitoring and incoming call and an image processing operation for processing an image captured by an image capture means, wherein the control means prohibits the standby operation during an image capture operation of the image capture for capturing the image when a first predetermined condition is satisfied (see paragraphs 29-39).

Maruyama doesn't expressly teach a camera-dedicated mode. However, Maruyama teaches that the image processing section converts the image to one of the image format (see paragraphs 24, 25) and one ordinary skill in the art knows that a camera has an image processing section. Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to integrate a camera to a wireless phone such that the wireless phone would have more features and a user would be able to take picture with a wireless phone.

Allowable Subject Matter

6. Claim 10 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Maruyama doesn't expressly teach the notification operation includes clearing of a display of an antenna bar on the notification means.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yuwen Pan whose telephone number is 703-305-7372. The examiner can normally be reached on 8-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 703-308-6739. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Yuwen Pan
10/22/04


LEE NGUYEN
PRIMARY EXAMINER